

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA
V.
LITTLE HAWK EAGLE ELK

JUDGMENT IN A CRIMINAL CASE
(For Revocation of Probation or Supervised Release)

Case Number: CR 08-4027-1-MWB

USM Number: 03662-029

Bradley Hansen
Defendant's Attorney

THE DEFENDANT:

- ☒ admitted guilt to violation(s) 1a-h, 2a-c, 3a-f, 4a-c, 5, 6, 7, 8a-f, 9, 10, 11, 12, 13a-f, & 14 of the term of supervision.
☐ was found in violation of _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1a-h, 3a-f	Failure to Comply with Drug Testing or Treatment	August 12, 2011
2a-c, 4a-c	Failure to Comply with Sex Offender Treatment	August 11, 2011
5, 7	Failure to Notify USPO of Address or Employment Change	August 31, 2013
6, 11	Use of Alcohol	September 4, 2014
8a-f	Failure to Submit Monthly Reports	June 2014
9, 12	Law Violation	October 1, 2014
10	Failure to Follow USPO Instructions	September 4, 2014
13a-f	Failure to Comply with Remote Alcohol Testing	November 2, 2014
14	Failure to Comply with Prescribed Medications (Antabuse)	November 4, 2014

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant was not found in violation of _____ and is discharged as to such violation(s).
☐ The Court did not make a finding regarding violation(s) _____.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

November 19, 2014

Date of Imposition of Judgment


Signature of Judge

Mark W. Bennett, U.S. District Judge
Name and Title of Judge

11/20/14
Date

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **18 months.**

- ☐ The court makes the following recommendations to the Bureau of Prisons:
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ ☐ a.m. ☐ p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2:00 p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **1 year.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the Court.

- ☐ The above drug testing condition is suspended, based on the Court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the Court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any persons convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SPECIAL CONDITIONS OF SUPERVISION

1. You must participate in and successfully complete a program of testing and treatment for substance abuse.
2. You must not use alcohol nor enter bars, taverns, or other establishments whose primary source of income is derived from the sale of alcohol.
3. You must not knowingly associate with any member or associate member of any gang without the prior approval of the U.S. Probation Office. If you are found to be in the company of such individuals while wearing the clothing, colors, or insignia of a gang, the Court will presume that this association was for the purpose of participating in gang activities.
4. You must submit to a search of your person, residence, adjacent structures, office and vehicle, conducted by a U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. You must warn any other residents that the residence or vehicle may be subject to searches pursuant to this condition. This condition may be invoked with or without the assistance of law enforcement, including the U.S. Marshals Service.
5. You must remain in compliance with all sex offender registration and public notification requirements in accordance with the Adam Walsh Child Protection and Safety Act of 2006. You must meet with an appropriate official from either the Bureau of Prisons or the U.S. Probation Office who will explain to you all of your registration requirements. You must read and sign the Offender Notice and Acknowledgment of Duty to Register as a Sex Offender form.
6. You shall grant a limited waiver of your right of confidentiality and any records of mental health treatment imposed as consequence of this judgment to allow the treatment provider to provide information to the probation officer and sign all necessary releases to enable the probation officer to monitor your progress. The probation officer shall disclose the presentence report and and/or any previous sex offender or mental health evaluations to the treatment provider.
7. You shall not possess any materials including any photographs, images, books, writing, drawings, videos, or video games depicting and/or describing sexually explicit conduct or describing sexually explicit conduct or describing child pornography, as defined in 18 U.S.C. 2256(2) or 18 U.S.C. 2256(8).
8. You shall submit to search of person, property, vehicles, business, computers, and residence, to be conducted in a reasonable manner and at a reasonable time, for the purpose of detecting sexually explicit material, as defined in 18 U.S.C. 2256(2) or 18 U.S.C. 2256(8); and at the direction of the probation officer. You must inform any residents that the premises may be subject to a search.
9. You shall immediately undergo a psychosexual evaluation upon release and begin participating in sex offender treatment, consistent with the recommendations of psychosexual evaluation. Furthermore, you shall submit to clinical polygraph testing and any other specific sex offender testing, as directed by the probation officer.

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10. You shall participate in a mental health program as directed by the probation officer which may include taking prescribed medication.
11. You shall not go near or enter the premises where the victim resides or is employed, except under circumstances approved in advance and in writing by the probation officer.
12. You shall not have any direct or indirect contact or communication with the victim, except under circumstances approved in advance and in writing by the probation officer.
13. You must not possess or use a computer with access to any "on-line computer service" at any location without the prior written approval of the probation officer to install appropriate software to monitor the use of the Internet.
14. You must not have contact with children under the age of 17 without prior written permission of the probation officer. You must immediately report unauthorized contact with children to the probation officer.
15. You are restricted from engaging in an occupation where you have access to children, without prior approval of the probation officer.
16. You must not loiter within 100 feet of school yards, parks, playgrounds, arcades, or other places used primarily by children under the age of 17.
17. You must not volunteer for any activities in which you supervise children or adults with mental or physical disabilities.
18. You shall consent to the United States Probation Office conducting periodic unannounced examinations of your computer(s), hardware, and software which may include retrieval and copying of all data from your computer(s). This also includes the removal of such equipment, if necessary, for the purpose of conducting a more thorough inspection.
19. You shall consent, at the direction of the United States Probation Officer, to having installed on your computer(s), any hardware or software systems to monitor your computer use. You understand that the software may record any and all activity on your computer, including the capture of keystrokes, application information, Internet use history, e-mail correspondence, and chat conversations. Monitoring will occur on a random and/or regular basis. You further understand the you will warn others of the existence of the monitoring software placed on your computer or any such computer you may access.
20. You shall provide to the probation officer all copies of telephone bills, including phone card usage, all credit card usages and any other requested financial information to verify there have been no payments to an Internet Service Provider or entities that provider access to the Internet.
21. You must participate in the Remote Alcohol Testing Program during any period of your supervision. You must abide by all rules and regulations of the Remote Alcohol Testing Program. You are responsible for the cost of the Remote Alcohol Testing Program.